IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3610 OF 2007

Shri Babasaheb Bhima Kumbhar & Ors. ...Petitioners

Versus

Narwad Vikas Society Ltd. ...Respondent

Shri P.D.Pise for the Petitioners

CORAM : ABHAY S.OKA, J.
DATED : JULY 11, 2007.

P.C.:

1. On the oral prayer made by the Advocate for the Petitioner, the order of dismissal passed in the morning session is recalled and the Petition is restored to the file.

2. Heard the Advocate for the Petitioner. While rejecting the Application at Exhibit 103 made by the Petitioner, the learned Judge of the Co-operative Court has observed that two earlier applications made by the Petitioner containing similar prayers were rejected. The said orders passed by the Co-operative Court have attained finality in the sense that Writ Petition No.9471 of 2004 was dismissed for non prosecution as the Petitioner could not comply with the conditional order passed by this Court. Against the order dated 17th August, 2006 passed by Co-operative Court below

Application at Exhibit 103, the Petitioners preferred a revision Application before the Appellate Court. The Revision Application has been also dismissed by the Appellate Court.

3. The Applications at Exhibit 75 and 77 were made by the Petitioners for setting aside the order passed by the Co-operative Court by virtue of which the cross-examination by the Petitioners of the witnesses of the Respondent was closed. Both the Applications were rejected. The Petitioner had filed a Writ Petition No.9471 of 2004 for challenging the said orders. Though the Petitioners had offered to submit a bank guarantee, the same could not be submitted within the time provided in order dated 07th December, 2004 passed by this Court. Therefore, the Writ Petition was dismissed for non prosecution.

4. Considering the earlier orders passed below Exhibit 75 and 77 and the aforesaid order of this Court, in this Writ Petition under Article 227 of the Constitution of India no fault can be found with the impugned orders Petition is accordingly rejected.

JUDGE